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**Joe Turnham for Congress and
Pete Turnham, as treasurer**

I. ACTIONS RECOMMENDED

II. CONCILIATION WITH JOE TURNHAM FOR CONGRESS

On August 25, 2003, the Commission found reason to believe that Joe Turnham for Congress ("Committee") and Pete Turnham, as treasurer, violated 2 U.S.C. § 441a(f) by accepting contributions from affiliated committees that, when aggregated, exceeded the Act's contribution limits.¹ The Commission approved a conciliation agreement

¹ Joe Turnham for Congress is one of five candidate committees that received excessive contributions from the affiliated PACs, Team Majority and PAC to the Future. To date, the Commission has reached settlements and closed the file with respect to Team Majority, PAC to the Future and two of the candidate committees.

This Office believes that the terms of the attached

agreement represent a fair and equitable settlement and will deter future violations of this type.

Accordingly, this Office recommends that the Commission accept the attached agreement from Joe Turnham for Congress and Pete Turnham, as treasurer.

III. SEVERANCE OF REMAINING RESPONDENTS

This Office also recommends that this matter be severed so as not to delay the placement of relevant documents on the public record. As noted in the First General Counsel's Report, the complaint in this matter raised, for the first time, the issue of whether a candidate or officeholder can maintain two "leadership PACs." The acceptance of conciliation agreements with the affiliated PACs (Team Majority and PAC to the Future) and three recipient candidate committees (*see* footnote 1) will provide guidance to the regulated community about how the Act's contribution limits are applied in such circumstances. Moreover, Team Majority's disclosure of the civil penalty payment in its 2003 Year-End Report has attracted press attention, but the press accounts have not fully explained the nature of the violations because the conciliation agreements are not public.³ Releasing the agreements at this time would benefit the Commission and the public by providing additional information and alleviating possible confusion resulting from incomplete press accounts. Finally, where, as here, the underlying conduct giving rise to the violation and/or the filing of the complaint attracts press attention,

³ See, e.g., Brody Mullins, *Pelosi PAC Hit With \$21K Fine*, ROLL CALL, February 9, 2004; *House Minority Leader's PAC Is Fined \$21,000*, WASH. POST, February 11, 2004.

1 there may be some measure of unfairness to respondents who settle early if the timing of the
2 Commission's public announcement of the settlement becomes dependent on the settlement
3 strategies of other actors over whom they have no control.

4 Accordingly, this Office recommends that the Commission take no action with respect to
5 George Zimmer,⁴ close the file in the matter, sever the following respondents from MUR 5328 and
6 open a new MUR with respect to them:
7

8 **IV. RECOMMENDATIONS**

- 9 1. Accept the attached conciliation agreement from Joe Turnham for Congress and Pete
10 Turnham, as treasurer.
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12 2.
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16 3. Take no action with respect to George Zimmer and close the file in MUR 5328.
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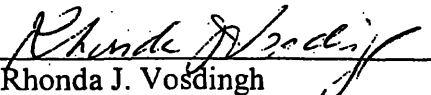
⁴ Based on a recommendation in the First General Counsel's Report in this matter, the Commission took no action "at this time" as to Mr. Zimmer in light of possible documents and other information in his possession that may have been helpful in the event that conciliation negotiations were not successful. Because the Commission has conciliated with the primary respondents and we do not anticipate that Mr. Zimmer could provide any further useful information, we do not believe he should be severed into the new matter along with the remaining respondents.

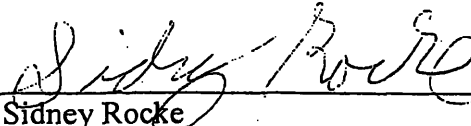
4. Approve the appropriate letters.

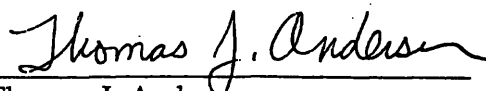
Lawrence H. Norton
General Counsel

2/18/04
Date

BY:


Rhonda J. Vosdinger
Associate General Counsel
for Enforcement


Sidney Roche
Assistant General Counsel


Thomas J. Andersen
Attorney

Attachment

Signed conciliation agreement from Joe Turnham for Congress